

Excerpts
Planning Commission Minutes
June 14, 2006

Application No. UP-702-06, John M. Engbersen: Request for a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a 620-square-foot detached accessory apartment on a 1.22-acre parcel of land located at 213 Parchment Boulevard (Route 1142) approximately 870 feet north of its intersection with Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 15-11-29B. The property is zoned R13 (High Density Single-Family Residential) and is designated High Density Residential in the Comprehensive Plan.

Earl Anderson, AICP, presented the staff report dated June 5, 2006, in which the staff recommended approval.

Chair Ptasznik opened the public hearing.

Mr. John Engbersen, 213 Parchment Boulevard, spoke in support of his request and offered to answer any questions. He added that he would not rent the space out. His or his wife's parents would probably occupy it at some future date and that is why they propose to have an elevator, to help their parents have easy access. Otherwise, the apartment would be available for guests, only.

Chair Ptasznik closed the public hearing.

On motion of **Mr. Hamilton**, which carried 6:0 (Mr. Barba absent), the following Resolution No. PC06-15 was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 213
PARCHMENT BOULEVARD

WHEREAS, John M. Engbersen has submitted Application No. UP-702-06 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 1.22-acre of land located at 213 Parchment Boulevard (Route 1142) and further identified as Assessor's Parcel No. 15-11-29B (GPIN #H12a-0380-4137); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of June, 2006, that Application No. UP-702-06 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit,

pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 1.22-acre of land located at 213 Parchment Boulevard (Route 1142) and further identified as Assessor's Parcel No. 15-11-29B (GPIN #H12a-0380-4137) subject to the following conditions:

1. This use permit shall authorize a the establishment of a detached accessory apartment in conjunction with a single-family detached dwelling on a 1.22-acre parcel of land located at 213 Parchment Boulevard (Route 1142) and further identified as Assessor's Parcel No. 15-11-29B (GPIN #H12a-0380-4137).
2. The apartment shall be contained within a proposed structure to be located on the southeastern side of the subject property as indicated on the sketch plan submitted by the applicant titled "Resubdivision Lot 29 Callahan Village Duplexes" prepared by Davis & Associates, P.C. dated January 29, 1997. The accessory apartment floor plan shall be in conformance with the floor plans and elevations submitted by the applicant titled "Engbersen Residence, 213 Parchment Road, Garage Addition, Sheets 1 through 4", except as modified herein.
3. Construction and occupancy of the accessory apartment shall be in compliance with the performance standards set forth in Section 24.1-407 of the Zoning Ordinance.
4. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
5. The habitable floor area of the accessory apartment unit shall not exceed 620 square feet.
6. The accessory apartment unit shall contain no more than one (1) bedroom and no tub or shower facilities shall be installed in the proposed ground floor bathroom depicted on the plans.
7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
9. Before obtaining a building permit for the proposed detached accessory apartment, the applicant must submit a site specific Natural Resources Inventory, performed in accordance with Section 23.2-6 of the County Code, field locating the 100-foot Resource Protection Area (RPA) buffer. No encroachment into the RPA buffer, for the apartment or a driveway serving it, is permitted.
10. Before the issuance of a certificate of occupancy for the accessory apartment unit, the existing principal structure's garage shall be converted to living space or the size of the proposed accessory apartment shall be reduced to comply with the 35% of principal building floor area requirement.
11. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory

apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.

12. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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